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09/867,697	05/31/2003	Kim Doan Lee	1293/1202	6206

CLASS: 7800 01/16/2003

STAAS & HALSEY LLP  
700 11TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20001

EXAMINER

NGUYEN, KIMBERLY D.

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

09/867 697

LEE ET AL.

**Office Action Summary**

Examiner

Art Unit

Kimberly D. Nguyen

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-34 is/are pending in the application
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17 20-28 and 30-34 is/are rejected
- 7) ☐ Claim(s) 18, 19 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1 ☐ Certified copies of the priority documents have been received  
 2 ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application):  
 a) ☐ The translation of the foreign language provisional application has been received
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-943)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No. s \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No. s \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).
2. The abstract of the disclosure is objected to because of the legal term "comprises" and should be substituted with "having". Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

3. Claims 2, 4-6, 9 are objected to because of the following informalities:
  - Claim 2, line 3: "and/or" is vague. For examination purpose, the examiner interprets the limitation of this claim as "wherein the subject-related data comprises moving picture information, still picture information, voice or sound information, **or** text information."
  - Claim 4, line 7: "and/or" is vague. For examination purpose, the examiner interprets the limitation of this claim as "**or** text information."
  - Claim 5, line 11: "and/or" is vague. For examination purpose, the examiner interprets the limitation of this claim as "displays **or** sound"
  - Claim 6, line 2: "and/or" is vague. For examination purpose, the examiner interprets the limitation of this claim as "sound, **or** text information."
  - Claim 9, line 2: "and/or" is vague. For examination purpose, the examiner interprets the limitation of this claim as "picture **or** text information"
  - Claim 10, line 2: "connectionless-type" is vague and should be replaced with "connectionless".
  - Claim 11, line 2: "connection-type" is vague and should be replaced with "connection".

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- Claim 28, line 7: "and or" is vague. For examination purpose, the examiner interprets the limitation of this claim as "sound information, **or** text information."

Appropriate correction is required.

*Specification*

4. The disclosure is objected to because of the following informalities:

- Page 12, paragraph [0036], line 3: Substitute "850" with "800".
- Page 12, paragraph [0037], lines 1 and 2: Substitute "850" with "800".
- Page 12, paragraph [0037], lines 2 and 5: Substitute "902" with "802".
- Page 12, paragraph [0037], lines 2 and 3: Substitute "904" with "804".
- Page 12, paragraph [0037], lines 3 and 5: Substitute "906" with "806".
- Page 12, paragraph [0037], line 3: Substitute "908" with "808".
- Page 12, paragraph [0038], lines 4 and 5: Substitute "850" with "800".

Appropriate correction is required.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 20-24, 26-27 and 30-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura (US 4,779,138; hereinafter "Nomura") in view of Yamashina (JP 410138667A; hereinafter "Yamashina").

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Re claims 1-6: Nomura teaches a trading-card IC-card 190 (fig. 11) communicating with recording and/or reproducing units 11, the trading card comprising: a data storage unit/memory storing subject-related data, wherein the data storage unit reproduces and transmits the subject-related data to the recording and/or reproducing units in the form of an optical/magnetic-tape or radio signal to simultaneously reproduce the trading card in the recording and/or reproducing units (figs. 1, 11 and 16; abstract: col. 1, line 56 through col. 2, line 16; col. 3, lines 32-51; col. 4, lines 37-57; col. 9, lines 1-14; col. 13, lines 13-16).

Nomura is silent with respect to the subject printed on the trading card.

Yamashina teaches a trading card 1 having a subject printed, such as a design of a sports player, on one surface (fig. 1; abstract: solution).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known subject printed on the trading card to the teachings of Nomura in order to provide subject-related visual image to the card.

Re claim 7: Nomura teaches a trading-card/IC-card communicating with recording and/or reproducing units, further comprising an encoding unit 140 comprising a slot 181 to insert the trading card and record subject-related data being encoded by the user and transmitting the recorded subject-related data to the recording and/or reproducing apparatus (figs. 11 and 15; col. 9, lines 3-14; col. 12, lines 1-3).

Re claim 8: Nomura teaches a system comprising a circuit interface magazine loading trading cards (fig. 16; 19a, 19b, 19c), processing subject-related data stored in the trading cards, and transmitting the subject-related data, wherein the subject-related data comprises moving

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pictures arranged in a sequence using serial numbers; and a recording and or reproducing apparatus receiving the subject-related data and processing the serial numbers to sequentially reproduce the moving pictures via a display unit (figs. 10A-10D; col. 7, lines 6-49).

Re claims 9, 20-24, 26-27, 30-34: Nomura teaches a system comprising a data-storage-unit (IC-card-memory in the trading card 190 storing subject-related data; and a recording and or reproducing unit 11 recording and/or reproducing subject-related data on/from the data storage unit, wherein the subject-related data comprises picture or text information related to the subject displayed on the trading card; and a housing unit containing and protecting the data storage unit (figs. 11 and 14-15; col. 9, lines 1-14; col. 11, line 9 through col. 12, line 18).

7. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura as modified by Yamashina as applied to claim 9 above, and further in view of Novis et al. (US 5,867,795; hereinafter "Novis"). The teachings of Nomura modified by Yamashina have been discussed above.

Nomura modified by Yamashina is silent with respect to the connectionless semiconductor IC interfacing with the recording and or reproducing unit.

Novis teaches a smart card system, wherein the data storage unit is a connectionless semiconductor integrated circuit interfacing with a transmission and reception unit in the card reader unit to transmit or receive the subject-related data and operational power (fig. 3; col. 1, lines 39-59; col. 2, lines 29-54; col. 11, lines 26-32).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the connectionless connection semiconductor integrated circuit interface as taught by Novis to the teachings of Nomura Yamashina in order to provide

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the connectionless connection semiconductor memory card to the system to further fulfill the desired needs to fit the concerned necessities.

8. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura as modified by Yamashina as applied to claim 9, and further in view of Momochi (US 5,835,663; hereinafter "Momochi"). The teachings of Nomura as modified by Yamashina have been discussed above.

Re claim 14: Nomura as modified by Yamashina is silent with respect to the moving picture data.

Momochi teaches an apparatus for recording image system, wherein subject-related data comprises still picture and moving picture information (fig. 1; col. 2, lines 51-64).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the moving picture information in an IC card memory as taught by Momochi to the teachings of Nomura/Yamashina in order to provide the moving picture information to the system.

Re claims 15-16: Nomura teaches a system, wherein the subject-related data further comprises sound/audio information related to the subject (fig. 15; col. 11, lines 52-61).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura as modified by Yamashina as applied to claim 9 above, and further in view of Tuttle et al. (US 5,988,510; hereinafter "Tuttle"). The teachings of Nomura as modified by Yamashina have been discussed above.

Nomura/Yamashina is silent with respect to the housing unit comprises a coating film.

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Tuttle teaches a smart card 100, wherein the housing unit comprises a coating film (fig. 7: col. 7, lines 14-32; col. 14, lines 34-35).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the housing unit with a coating film for the smart card as taught by Tuttle to the teachings of Nomura/Yamashina in order to resist and protect the smart card from tampering.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura as modified by Yamashina as applied to claim 24 above, and further in view of Tsutsui (JP 406215010; hereinafter "Tsutsui"). The teachings of Nomura as modified by Yamashina have been discussed above.

Nomura/Yamashina is silent with respect to the recoding and/or reproducing unit further comprises an earphone connection jack.

Tsutsui teaches an information recording and or reproducing device, which comprises an earphone B4.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the earphone within the recoding and/or reproducing unit as taught by Tsutsui to the teachings of Nomura/Yamashina in order to provide an outputting audio option to the user.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US 6,083,009; hereinafter "Kim").

Kim teaches a method of recording subject-related data/new-songs from a web site to a trading card using an encoding unit which is inherent within the system, comprising:



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downloading the subject-related data from the web site to a computer; providing the subject-related data from the computer to the encoding unit; and recording the subject-related data comprises moving picture information, still picture information, voice or sound information, or text information (col. 1, lines 30-43).

***Allowable Subject Matter***

12. Claims 18-19, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Washizuka (US 4.639.225) teaches portable audio-visual electronic apparatus. Iwasaki (US 5.612.532) teaches thin IC card and method for producing the same. Gu (US 6.282.819) teaches design and manufacture of communicating card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

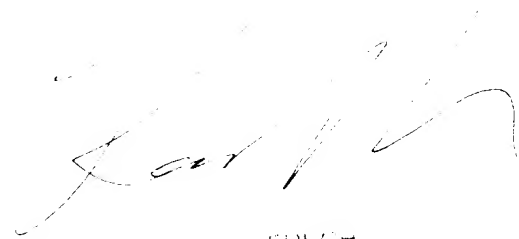
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KDN

January 13, 2003

A handwritten signature in dark ink, appearing to read 'Karl D. Frech', is written over a faint, larger signature that is mostly illegible.

KARL D. FRECH  
PRIMARY EXAMINER